THE THIRD DAY.

Wednesday, the 27th February 1929.

The Assembly met again at 11-30 A. M. on Wednesday, the 27th February 1929.

26. Hardships caused to the public by the present working of the civil courts and remedies therefor.

MR. KANAKKU PARAMESVARAN PILLAI KESAVA PILLAI (*Member, Neduvankad taluk*) said that he wished to speak on the hardships arising from the working of civil courts with particular reference to the Neduvankad taluk. It was at a time when the people of Neduvankad were being put to much inconvenience owing to the absence of a civil court in the taluk, that Government granted them a Musiff-Magistrate's court with effect from Kumbhom 1103. They were very much indebted to the Government and the High Court for this generous action. But in no taluk was a Munsiff-Magistrate's court found to work well. For several reasons an institution of this kind was doing more evil than good to the public.

In point of area, the Neduvankad taluk was not behind many other taluks. The amount of civil litigation in the taluk was also not small in view of the vast *puduval* lands existing there, disputes in respect of which were often settled only by recourse to civil courts. There were already several *puduval* suits pending in the Munsiff's court and many more were likely to be filed in the near future. All these circumstances pointed to the necessity of a separate Munsiff's court at Neduvankad.

In respect of criminal work also, the necessity for a separate court could be proved by statistics.

A few of the hardships suffered by the public by the present arrangement were then detailed by the member. In the first place, many civil and criminal cases were boarded for hearing on the same day. At present three days in the week were supposed to be devoted to criminal work and three days to civil work. But the records of the court would show that several civil and criminal cases were posted to the same day. When there was hardly time to finish even the criminal cases, nothing could be done in respect of the civil cases. But the parties and witnesses had all the same to attend and they had to wait the whole day in the court.

About the delay in the disposal of suits, it was enough to say that there were cases in the Magistrate's court which had been adjourned twelve or thirteen times, without even a single witness being examined.

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Arrangements should therefore be made at once for the establishment of a separate Munsiff's court and a separate First Class Magistrate's court in the taluk.

DEWAN'S REPLY: Mr. Kesava Pillai, you have touched upon two points. One is the establishmert of a whole time Munsiff's Court at Neduvankad and the other is the creation of a First Class Magistrate for that taluk. I shall have the first point examined in connection with the general question of redistribution of civil courts.

As regards your second request that Neduvankad should have a whole time First Class Magistrate to itself, I do not think the position of that taluk is such as to warrant a whole time Magistrate with high powers in the immediate future.

27 Administration of Justice, civil, criminal and revenue.

MR. R. RAMAN PILLAI (*Member, Quilon taluk, Group II*) said that representations were being made in every session of the Assembly regarding the administration of justice. The representations had to be repeated from year to year, because the grievances brought to notice were not being remedied. One need hardly say that this was very unsatisfactory. The member had himself made several representations on the floor of the house about defects in the administration of justice. But those defects yet remained to be removed. He was led to think that the High Court was not devoting due attention to these representations. It was a very false notion that representations made in the Assembly did not merit serious consideration. The Dewan had himself declared that one of the objects of the Assembly was to enabe Government to know how their measures were appreciated by the people. It was the duty of the High Court to see how the working of the Civil Courts affected the people and to remove such defects as were brought to their notice by the people. Any indifference on the part of the High Court in this matter was likely to undermine the confidence of the people in them. Two or three years ago when the member made his representation about the administration of justice, two judges of the High Court were present in the Assembly. The majority of the grievances which he represented then were therefore readily removed. On the present occasion also there was present a representative of the High Court. The member therefore hoped that the representations which he made on this occasion would receive the due attention of the High Court.

Ordinarily, it was not right that Government should interfere with matters within the jurisdiction of the High Court. It was good that the High Court should be entirely independent of the executive. But the High Court should also act independently and in a benevolent manner. Formerly when representations in the Assembly were forwarded to the High Court, they used to record their opinion on each representation and these opinions used to be published by Government in the form of proceedings. This was a very useful practice. It enabled the people to know what the High Court thought about their representations. This practice should be revived.

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